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CRIMINAL STATISTICS IN THE UNITED STATES.

(REPORT OF COMMITTEE (3) OF THE INSTITUTE.¹)

JOHN KOREN, Chairman.

The report to the Institute by the Committee on Statistics in 1910 contained a number of definite recommendations (see JOURNAL for September, 1910, page 432). No action was taken on this report except a purely formal one, and no opportunity was afforded for any discussion whatsoever. The Committee holds that the Institute should express itself on committee recommendations, otherwise they cannot become effective.

1. The *first* recommendation made last year was that the Institute pass upon the findings concerning the minimum requirements of court records in criminal cases. The committee submitted that as a minimum requirement such records should state:

¹A report presented at the Third Annual Meeting of the Institute, at Boston, September 2, 1911. The resolution appointing the Committee, and its membership in 1910-11, are as follows:

“Resolved, That a committee be appointed to report on the present methods of keeping criminal judicial records of the courts of the several states and territories, as well as of the Federal Courts, and to recommend an adequate and uniform system of recording and reporting such statistics.

Resolved, That the system formulated by the above-mentioned committee, when approved by a subsequent conference, be recommended to the several states and to the Congress of the United States, for their consideration and adoption.

COMMITTEE: John Koren, Boston (special agent of the Census Bureau), *Chairman*.

Charles A. Ellwood, Columbia, Mo. (professor of sociology in University of Missouri).

Louis N. Robinson, Swarthmore, Pa. (lecturer on sociology in Swarthmore College).

C. W. A. Veditz, Washington, D. C. (lecturer on sociology in George Washington University).

Edward J. McDermott, Louisville, Ky. (lawyer).

Harry Olson (chief justice Municipal Court of Chicago).

Roger N. Baldwin, St. Louis (secretary National Association of Probation Officers).

Frank L. Randall, St. Cloud (superintendent Minnesota State Reformatory).

William H. McSurely, Chicago (judge of the Superior Court).

Francis A. Kellor, Brooklyn (secretary New York Immigration Commission).

William E. Mikell, Philadelphia (professor of law in University of Pennsylvania).

CRIMINAL STATISTICS

(A) In Regard to the Criminal Process.

1. Manner of commencing proceedings (by indictment, information, presentment, inquisition, affidavit, complaint, etc., as the case may be).
2. Offense charged.
3. Date of offense, of indictment and of final disposition.
4. Pleas (guilty, nolo contendere, not guilty). If plea of guilty, then statement of precise offense which plea admits.
5. Disposition other than by trial or plea of guilty (indictment quashed, nolle prossed, demurrer sustained, dismissed, placed on file, etc.).
6. Mode of trial (by court or by jury).
7. Verdict (in case of guilty of lesser offense than originally charged, a statement of lesser offense).
8. Character of sentence (whether executed or suspended, etc.).
9. Appeal and result.
10. Institution to which sentenced.
11. Whether fine was paid.
12. Period of commitment for non-payment of fine.

(B) In Regard to Social Status of Defendant.

1. Age.
2. Sex.
3. Color.
4. Race.
5. Birthplace.
6. Birthplace of parents.
7. Conjugal condition.
8. Education.
9. Occupation.
10. Citizenship.
11. Previous prosecutions and convictions.

Since the records of the criminal courts throughout the United States are absolutely inadequate as sources of criminal statistics, one of the first duties of the Institute is to bring about an improvement of court records. But action in so important a matter must come from the Institute itself and not from a small group or committee. The Committee therefore submits anew its findings in regard to the minimum requirements of court records in criminal cases and asks for action by the Institute.

2. A *second* recommendation made last year by the Committee on Statistics was that the formulation of an "adequate and uniform scheme of recording the requisite data in criminal cases be made the subject of further consideration and inquiry." It is one thing to agree upon the minimum requirements of court records and another to suggest the form of an adequate and uniform scheme of records. The matter deserves to be given fresh attention by our Committee, and suggestions from members are in order. At this point our Committee work touches that of Committee A, which has for its subject, "System of Recording Data Concerning Criminality."

An elaborate report was submitted by Committee A last year. The discussion of this report at Washington revealed that some members of the Institute thought the scheme suggested might be utilized by courts and actually installed as part of the court records. Such, however, was not the intention of Committee A, which is not primarily concerned with the question of data to be made part of court records. That any court can install a system so elaborate as the one suggested is inconceivable, not only on account of the enormous amount of work required

JOHN KOREN

and the resulting prohibitive cost, but because it can only be handled successfully by specially trained persons. The time consumed in making out such elaborate records would, among other things, surely tend toward further delay in criminal cases. Committee A is not really called upon by the Institute to suggest the data that should form a part of the records of every criminal court, but to formulate a system of recording data concerning criminality affording a sufficient basis for scientific study. At least for years to come, the criminologist cannot content himself with the data that by any stretch of imagination will be obtainable from court records generally. The report of Committee A of last year says that the system suggested by it "aims directly at diagnosis, prognosis and remedy," that the service of experts is required, etc. In brief, the work of Committee A is quite distinct from that of the Committee on Statistics, an immediate object of which is to secure improvement in court records, so that they will yield the primary facts about criminal cases. Only so far as data about the social status of defendants are concerned do the two committees traverse to a limited extent the same ground. The Committee on Statistics regrets that as yet it is unable to suggest a general uniform scheme of recording data in criminal cases. Before it can properly do so, the Institute should express itself upon the subject of minimum requirements.

3, 4. A *third* recommendation made by last year's Committee on Statistics was "that the Institute expresses itself in regard to the necessity of legislation obliging court officials and public prosecutors to make returns of criminal cases to a central state office." With this was coupled the *fourth* recommendation, "that the Institute help to institute such legislation and coöperate, where feasible, in bringing it about."

The Committee report contained lengthy statements in regard to these two recommendations. They showed, among other things, that the different states are without adequate legislation compelling returns drawn from the records of criminal courts, and that the required legislation upon this subject cannot be incorporated in a single model statute, but must be adapted to the peculiar needs and conditions of each state. It is not necessary to re-emphasize the need of action on part of the Institute.

The Committee takes it for granted that the returns under discussion must be made to some central state office, since otherwise there would be no control over the returns, and their utility for other than local purposes would be lost. But to recommend minimum requirements in regard to what the records of criminal courts shall contain, and to express our belief in the necessity of legislation compelling

CRIMINAL STATISTICS

returns to some central state office will not go far, unless the Institute helps to promote such legislation and is willing to co-operate in bringing it about. Last year the Committee suggested that the Institute "should prepare, through a proper committee, a brief outline of the legislation required and transmit it to the governor of each state with the request that he recommend it in his message to the next legislature. Such a request should be accompanied by a full statement of the reasons for the reform. While the general propaganda would have to be directed by separate groups in each state, the Institute can and should initiate it by emphasizing the need of legislation and by indicating the necessary scope of an adequate law."

As the Institute took no action on recommendations three and four, last year, they are submitted once more.

5. The *fifth* and final recommendation of last year's Committee was that a standing Committee on Statistics be appointed, which, among other things, should study and report to the Institute upon police statistics, prison statistics and statistics of probation and parole, make definite recommendations in regard to plans for the improvement of such statistics, etc. This recommendation is submitted anew in order that the Institute may commit itself to a properly defined line of action. It must be apparent to anyone acquainted with present conditions that a long campaign of education is necessary before court records can be made respectable sources of criminal statistics. The Institute should be prepared to undertake such a campaign. By reappointing a committee on statistics, the Institute recognized the desirability of such a committee, but it remained silent upon the subject of the labors to be undertaken.

6. The Committee has one new matter to suggest: Even if one could look forward to the time when the statistics obtainable through the criminal courts, the penal institutions, the police and the probation officers, would leave nothing to be desired, we should still be without a perfect measure of the volume of crime in the country. There will always remain the question of the amount of undetected crime, that is, criminal cases, in which the offender is not detected. If the alleged perpetrator of the criminal act be not apprehended, even the police records usually remain silent. If a homicide has been committed, a record is made by the coroner or medical examiner, although the facts are not made available to the public. But offenses not involving the taking of life are ordinarily left absolutely unrecorded except for newspaper publicity unless an arrest is made. Indeed, grave offenses, particu-

JOHN KOREN

larly those against property, may become rampant in a community without any reflection of the facts in the official returns of crime.

The Committee believes it would be a distinct gain if knowledge could be obtained of the amount of the Undetected Crime. For general statistical purposes, our main reliance must always be upon the returns from the criminal courts, but these as well as police statistics would gain in significance when examined in the light of facts about the undetected crime. It is most improbable that reliable information about the amount of undetected crime can be obtained until legislation compels the proper officials to make returns to some central office. For municipalities, such officers would naturally be the police, and for the rural communities the sheriffs or, where it exists, the rural constabulary. Self evidently, their returns should only be concerned with the graver forms of crime, such as all forms of violence against the person, the more serious offenses against property, against chastity, etc. In other words, petty offenses should not be included.

Until state governments take a hand and require proper returns of the graver forms of criminal acts committed by persons unknown or not arrested, the federal government cannot hopefully enter their field of statistical inquiry. The federal government is not successful in securing mortality returns except from states or cities having legislation laws. In like manner, before statistics of undetected crime can be obtained, the states must create the instrumentality for recording such crime. The point of attack in this matter is therefore not the federal government, but the individual state.

The Committee recommends that the question of returns of Undetected Crime be taken under advisement and that the Committee on Statistics be instructed by the Institute to report upon the subject at a subsequent meeting, with special reference to the legislation needed and the kinds of undetected crime to be included.